TERMS OF ENGAGEMENT

# General template

## CPA Australia has created this standard Covid-19 Mandatory Vaccination Policy Template that you can use and tailor to suit your needs.

## The following version control information has been included to assist you monitor changes to the template to ensure you are using the latest version.

|  |  |  |  |
| --- | --- | --- | --- |
| **Document Title** | Covid-19 Mandatory Vaccination Policy Template | **Version #** | 1 |
| **Effective Date** | November 2021 |
| **Version #** | **Change Description** | **Introduced** |
| 1 | Original document | 2021 |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

COPYRIGHT NOTICE ©CPA Australia Ltd (ABN 64 008 392 452), 2021. All rights reserved. The reproduction, adaptation, communication or sale of these materials (‘the Materials’) is strictly prohibited unless expressly permitted under Division 3 of the Copyright Act 1968 (Cth). For permission to reproduce any part of these materials, please contact the CPA Australia Legal Business Unit - legal@cpaaustralia.com.au.

**Information correct at time of publishing.**

DISCLAIMER CPA Australia Ltd has used reasonable care and skill in compiling the content of this material. However, CPA Australia Ltd makes no warranty as to the accuracy or completeness of any information in these materials. The publishers, authors, editors and facilitators are not responsible for the results of any actions on the basis of information in this work, nor for any errors or omissions. They expressly disclaim all and any liability to any person in respect of anything and the consequences of anything, done or omitted to be done by any such person in reliance, in whole or part, on the contents of this publication. The views expressed in this work are for reference purposes only and are not intended, in part or full, to constitute legal or professional advice. Further, as laws change frequently, all practitioners, readers, viewers and users are advised to undertake their own research or to seek professional advice to keep abreast of any reforms and developments in the law.

TEMPLATE COVID-19 Mandatory Vaccination Policy

|  |  |
| --- | --- |
| Policy owner: | ## |
| Policy approved: | ## 2021  |
| Policy last updated: | ## 2021 |
| Related Policies & Procedures:  | ## |

# Policy

The purpose of this policy is to minimise the risk of the COVID-19 virus being contracted or transmitted by employees of [insert employer] in the course of their duties.

Employees who have been assessed as being at risk of exposure to COVID-19 in their role will be required to provide proof of vaccination against COVID-19 to [insert employer] unless an exemption applies. This includes proof of booster shots as required from time to time.

If a public health order that applies to some or all of [insert employers]’s employees comes into operation, [insert employer] and relevant employees will be required to comply with the terms of that public health order.

[Insert employer] has a duty to eliminate (and if that’s not possible, minimise) risks to health and safety of employees and the public who come into contact with our employees, so far as is reasonably practicable in accordance with the [*Occupational Health and Safety Act 2004* (Vic)/*Work Health and Safety Act 2011* (ACT)/*Work Health and Safety Act 2011* (NSW)/ *Work Health and Safety Act 2012* (Tas)/*Work Health and Safety Act 2020* (WA)/*Work Health and Safety Act 2012* (SA)/*Work Health and Safety Act 2011* (QLD)/*Work Health and Safety (National Uniform Legislation) Act 2011* (NT)]. Vaccination against COVID-19 is a reasonably practicable step available to minimise the very serious public health risk that the COVID-19 pandemic presents.

Importantly, vaccination against COVID-19 is not the only control measure [insert employer] has in place to protect employees and others who may come into contact with employees against transmission of COVID-19. However, vaccination is a safe and highly effective measure.

# Review

Because of the changing nature of the COVID-19 pandemic and the regulatory guidance in relation to the vaccine rollout in Australia is constantly evolving, this policy may need to be reviewed more regularly than [insert employer]’s other workplace policies.

It will first be reviewed at least every 6 months for the first 18 months of operation and then at least annually thereafter, or, as often as the public health order/s require.

# Consultation

This policy has been implemented following consultation with our employees.

***Note:*** *employers are required by health and safety legislation to consult with employees about hazards, risks and implementation of control measures. You should also comply with any obligation to consult in an enterprise agreement or modern award that applies to your employees.*

# Responsibilities

## *Managers –* are responsible for:

* having completed a risk assessment under clause 5 of this policy for their work area and all employees under their supervision prior to the implementation of this policy;
* determining whether, in consultation with the [insert title e.g. Health and Safety Coordinator], vaccination against COVID-19 is required for some or all of the employees in their work area on the basis of the risk assessment;
* ensuring that all employees who are required to be vaccinated against COVID-19 under this policy have provided satisfactory evidence of vaccination and are not permitted to perform the duties which may risk exposure to COVID-19 until that evidence is received;
* keeping an updated register of vaccination status of employees under their supervision, including provision of evidence of vaccination;
* ongoing review of control measures in place to minimise the risk of exposure to and transmission of COVID-19 in the workplace or in connection with work duties; and
* ensuring that any new positions which require COVID-19 vaccination are clearly advertised on that basis.

## *Employees –* are responsible for:

* reading and complying with this policy;
* ensuring they comply with all control measures put in place by [insert employer] from time to time, to reduce the risk of transmission of COVID-19. Such measures may include wearing face masks, testing, social distancing, isolation and quarantine and may be required regardless of whether an employee is required to be vaccinated under this policy;
* if required, comply with any direction to perform alternative duties whilst their COVID-19 vaccination is being arranged or confirmed;
* alerting their Manager and the [insert title e.g. Health and Safety Coordinator] as soon as possible in the event of another employee or person at the work premises failing to comply with measures in place to reduce the risk of transmission of COVID-19;
* in the event vaccination against COVID-19 is required for the employee’s role, providing satisfactory evidence of vaccination;

## [insert role]– is responsible for:

***Note:*** *we suggest one point of contact, preferably an internal Human Resources professional, be allocated primary responsibility for supporting and providing guidance Managers and Employees*

* providing support to Managers in relation to the conduct of risk assessments and ensuring all Managers conduct a risk assessment by no later than [insert date];
* providing support to Managers in dealing with queries or concerns raised by employees, including in relation to an unwillingness to be vaccinated;
* keeping an updated register of all risk assessments and roles and/or work areas in relation to which COVID-19 vaccination is required;
* providing support and guidance to employees in relation to their rights and obligations under this policy;
* ensuring that all employees whose roles are assessed as requiring vaccination against COVID-19 under this policy have provided satisfactory evidence of vaccination;
* keeping an updated register of employees who have been vaccinated, and evidence of vaccination;
* ensuring that appropriate control measures are implemented and regularly reviewed to reduce the risk of transmission of COVID-19. Such measures may include wearing face masks, testing, social distancing, isolation and quarantine and may be required regardless of whether an employee is required to be vaccinated under this policy;
* collection of medical exemption applications under clause 10 of this policy.

# Risk Assessments

## Employees will only be required to provide evidence of vaccination against COVID-19, if, following a risk assessment, this is considered necessary in order to minimise a risk of exposure to COVID-19.

## If a public health order requires employees to be vaccinated against COVID-19, a risk assessment (if not already completed) is not necessary in order for [insert employer] to require employees covered by the public health order to be vaccinated.

## Managers should have regard to the following, in completing a risk assessment:

***Note:*** *the considerations below are general in nature and reflect the guidance from the* [*Fair Work Ombudsman*](https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-workplace-rights-and-obligations) *as at September 2021, in relation to the circumstances in which mandatory vaccination may be a lawful and reasonable direction. These should be tailored as appropriate to best reflect your business and the particular duties performed by your employees.*

### the nature of the workplace;

### the nature of the duties required of the role;

### the extent of community transmission of COVID-19 (including variants of concern) in the location where work is performed;

### other control measures in place or available; and

### the current availability of vaccines.

Consideration of the above matters and any other relevant considerations must be documented in writing. A copy of the documented risk assessment should be provided to the [insert title].

***Note:*** *you may want to seek legal advice and/or input from an occupational physician, regarding completed risk assessments. A detailed and appropriate risk assessment that has been reviewed will be the best evidence in support of your policy if an employee challenges your approach.*

# Notifying employees

If, following a risk assessment, and after consultation with the [insert role e.g. Health and Safety Coordinator], a Manager considers that vaccination against COVID-19 is required, all employees in the work area who are required to provide evidence of vaccination must be notified in writing and provided with a copy of the risk assessment.

Within **## days** after receiving a notification under clause 6.1, employees must confirm in writing to their Manager whether:

### they have already received one or two doses of a COVID-19 vaccine approved for use in Australia – and if so, provide evidence of vaccination;

### they have an upcoming appointment to receive one or two doses of a COVID-19 vaccine – and if so, provide evidence of that appointment(s);

### they otherwise consent to being vaccinated and will make the necessary appointments to do so as soon as possible (in line with vaccine availability); or

### they are not vaccinated and for medical reasons cannot be vaccinated and wish to apply for a medical exemption (**Exemption**);

### they are not vaccinated and do not consent to being vaccinated for reasons other than medical reasons (**Refusal**).

## Managers will follow up with any employees who have not provided a response under clause 6.2 and issue a written direction to respond to the notification within a further ## days. If an employee fails to respond within the further time period requested, they will be taken to have given a Refusal.

## If a public health order requires employees to be vaccinated, or to have made a booking to be vaccinated, by a particular date, the timeframes required by the public health order will apply.

# Vaccination and evidence of vaccination

* 1. All employees who are required to provide proof of vaccination under this policy must do so within **## days/weeks** of being notified of the requirement. If this cannot reasonably be achieved, employees should discuss the reasons with their Manager.

The time by which employees are required to provide evidence of full vaccination will be determined based on the recommendation of the Australian Technical Advisory Group on Immunisation (**ATAGI**) as to the time between doses of vaccines approved for use in Australia. Employees should keep their Manager regularly updated as to their progress in this regard.

All employees who are required to provide evidence of vaccination against COVID-19 may also be required to provide evidence of vaccination with a booster shot, as advised by [insert employer] at a relevant time. A requirement to obtain a booster shot will be based on the recommendations of ATAGI.

### ***Note:*** *Employers should consider whether they will require employees to provide a copy of their vaccination certificate to be held by the employer or whether sighting of that certificate is all that will be required. If the employer intends to collect and hold copies of vaccination certificates, you should be mindful of obligations in relation to Individual Health Identifiers present on the government issues certificates.*

# [Optional] Alternative Duties

Employees who are not fully vaccinated but who are required to provide evidence of vaccination against COVID-19 may be directed to:

### perform those duties of their role which do not give rise to a risk of exposure to COVID-19; or

### perform safe alternative duties,

### until such time as they have provided proof of vaccination against COVID-19 to their Manager.

***Note:*** *given the time required between doses of approved vaccines, it may not be operationally feasible to have all staff awaiting vaccination performing alternative duties. However, the operational requirements of your business need to be balanced against the risk of exposure to COVID-19 and the efficacy of other control measures.*

# Refusals

Employees who are required to provide proof of vaccination under this policy and who do not comply with the requirement (in accordance with clauses 6.2 and 7 above) may be subject to disciplinary action, up to and including termination of employment. They may also be directed to perform alternative duties under clause 8 on a temporary or permanent basis.

[Optional] This clause does not apply to any employee granted an Exemption under clause 10.

***Note:*** *you should consider seeking independent legal advice before terminating employment or taking other disciplinary action under this clause. You must have valid reason for terminating employment based on capacity or conduct – failure to comply with a lawful and reasonable direction is an accepted valid reason but requires consideration of the particular context.*

# Medical Exemptions

***Note:*** *Employers should consider having a form for employees to submit which outlines the basis for their exemption. The Health Departments of many jurisdictions have template forms which may provide useful guidance see for e.g. the NSW template here:* [*https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf*](https://www.health.nsw.gov.au/Infectious/covid-19/vaccine/Documents/covid-19-vaccine-contraindication.pdf)and the Victorian template here: <https://www.health.vic.gov.au/medical-exemption-to-covid-19-vaccination-guidance-word>

Employees who wish to apply for an Exemption to the requirement to be vaccinated on medical grounds must provide sufficient information and supporting evidence to their Manager and [insert role] as soon as possible after receiving a notification under clause 6.1. A medical exemption form will be provided by the [insert position e.g. Health and Safety Coordinator] on request.

* 1. Acceptable supporting evidence includes a completed medical exemption form from any of the following registered medical practitioners:

### general practitioner

### public health physician

### infectious disease physician

### clinical immunologist

### obstetrician

* 1. [Optional] [insert employer] will pay the reasonable costs associated with obtaining supporting evidence from a registered medical practitioner and will allow employees reasonable time off from work without loss of pay to attend an appointment.

Exemption applications will be considered on a case by case basis by the Manager and [insert role].

Employees who are granted an Exemption may be required to perform safe or alternative duties for periods of time, depending on the degree of risk of exposure to COVID-19. Additional control measures may be required including working from a different location, wearing a face mask, testing and/or eating and drinking only in specified locations.

***Note:*** *employers may consider if working from home and exclusion from in-person workplace events is a suitable alternative option for employees who have an exemption. You should consider whether this is suitable for your needs and we recommend you seek advice as required.*

# Information collected under this policy

All information, including health information, collected under this policy will be treated confidentially, so far as is possible.

Information will also be handled in accordance with applicable privacy and/or health information laws. For more information as to how your personal or health information is handled, please refer to the [insert privacy policy].

# [Optional] Incentives

***Note:*** *employers may wish to offer incentives to employees vaccinated under this policy (such as additional leave, payments or vouchers) or other employees who choose to get vaccinated and provide evidence of vaccination*

# Revision History

|  |  |  |
| --- | --- | --- |
| ***Date*** | ***Version***  | ***Revisions***  |
|  |  |  |
|  |  |  |